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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,817	11/22/2002	Anthony Chao	36287.03900	9643

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EXAMINER
PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	10/065,817	CHAO ET AL.
	Examiner	**Art Unit**	
	Prieto B.	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 November 2002* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to Response under 37 CFR 1.111 filed 2/15/06, no claims have been amended, added and/or canceled, thus claims 1-14 remain pending.

Claim Rejection under 102

2.   Quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action may be found in previous office action.

3.   Claims 1-14 are rejected under 35 USC 102(e) as being anticipated by Thiyagaranjan et. al. (US 2004/0054854) (Thiyagaranjan hereafter)

Regarding claim 1, Thiyagaranjan

creating a cache storing data accessed from a database [claim 9];

performing a refresh of the data cache from the database [0043];

identifying change in the cache [0054];

responsive to the change in the cache, sending a message to a computer [0054 or 0047-49]; and

responsive to the message, automatically accessing the changed data [0054-0055] including requesting the changed data [047, 0115, 042].

Regarding claims 2-3, responsive to a request from the client to the server, sending a set of data from the data cache to the client over an established connection responsive to a request from the client to the server [Thiyagaranjan: 0011], and wherein the connection uses HTTP protocol [Thiyagaranjan: 046].

Regarding claims 4-5 and 7, establishing a connection between the client and a server; and sending the message to the client from the server using the connection, wherein the connection uses a protocol [Thiyagaranjan: 0046] and wherein the message has at least two states, one state indicating no change in the data cache, and the other state indicating change in the data cache [Thiyagaranjan: 0015]

Regarding claim 6, establishing a first connection between the client and a server [Thiyagaranjan; Fig. 2-3];

establishing a second connection between the client and the server [Thiyagaranjan: Fig. 2-3, 0015];

responsive to a request from the client to the server, sending a set of data from the data cache to the client over the first connection [Thiyagaranjan 0011];

sending the message to the client from the server using the second connection [Thiyagaranjan: Fig. 2, 0013, 0015]; and

responsive to the message, automatically sending the request for the changed data from the client to the server using the first connection [Thiyagaranjan: 042, 047, 015]

Regarding claim 8, wherein requesting the changed date is responsive to the message state indicating change in the data cache [Thiyagaranjan: 0054]

Regarding claim 9, wherein the message is periodic [Thiyagaranjan; Fig. 5a-b].

Regarding claim 10, wherein the message is aperiodic [Thiyagaranjan: 047].

Regarding claim 11, creating a data cache in a RAM cache of an application server as a subset of a larger database [Thiyagaranjan: claim 9];

establishing an data connection between the client and the application server over a network [Thiyagaranjan: Fig. 2-3, 006];

establishing a connection between the client and the application server [Thiyagaranjan: Fig. 2-3;

responsive to a resource request from the client, sending an file via the connection to the client, the file reflecting data cached at the time of said request, caching requested resources for subsequent requests [0011], requested resources including web resources [0050]; and after   cached,   performing   a periodic refresh of the data cache from the larger database [0054].

Regarding claim 12, this computer executable software code transmitted as an information signal, the code for updating information on a client computer, the code corresponding to the functions associated to the method discussed on claim 1, same rationale of rejection is applicable.

Regarding claim 13, this computer readable medium having computer executable code stored thereon, the code for updating information on a client computer, the code corresponding to the functions associated with the method discussed on claim 1, same rationale of rejection is applicable

Regarding claim 14, this programmed computer claim for updating information on a client computer, having the corresponding memory, processor and the code for performing the method discussed on claim 1, same rationale of rejection is applicable.

Response to Arguments

4.   Regarding claims 1-14 are anticipated by Thiyagaranjan, it is argued (p. 7) that the applied prior art does not teach "updating information other than the cache memory, such as in a client browser".

In response to the above-mentioned argument, applicant's interpretation of the applied art has been carefully considered. However, in this case claims do not recite, "updating information other than the cache memory, such as in a client browser". Specifically, with respect to claim 1, the limitations of the method in which the client is recite are: "responsive to the change in the data cache, sending a message to the client; and responsive to the message, automatically requesting the changed data".

Thus, claim has been reviewed, however the limitation of the method reciting the client do not explicit "updating information other than the cache memory, such as in a client browser", as argued.

5.   Regarding claims 1-14 are anticipated by Thiyagaranjan, it is argued (p. 7) that the applied prior art does not teach "a method for updating information on a client computer".

In response to the above-mentioned argument, applicant's argument have been fully considered. However, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. In accordance with the MPEP the subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim: a) statements of intended use or field of use, (see MPEP 2106 (II) (C)).

6.   All applicant's arguments filed in the above-mentioned response have been fully considered but not rendered persuasive.

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8.   Reply to a final rejection or action must include cancellation of, or appeal from the rejection of, each rejected claim. If any claim stands allowed, the reply to a final rejection or action must comply with any requirements or objections as to form (see 1.113). If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of: (c) A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 USC 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see MPEP 706.07).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see http://pair-direct.uspto.gov or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
        Commissioner of Patents and Trademarks
        P.O. Box 1450
        Alexandria, VA 22313-1450

Hand carried or delivered to:
        Customer Service Window located at the Randolph Bldg.
        401 Dulany St.
        Alexandria, VA 22314

Faxed to the Central Fax Office:
        (571) 273-8300 (New Central Fax No.)

Or Telephone:

        (571) 272-2100 for TC 2100 Customer Service Office.

B. Prieto
Primary Examiner
TC 2100
April 18, 2006

BEATRIZ PRIETO
PRIMARY EXAMINER